

SEP 30 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JORGE AVINA-DE ANDA,

Defendant - Appellant.

No. 08-10171

D.C. No. 2:04-cr-00164-PGR

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Arizona  
Paul G. Rosenblatt, District Judge, Presiding

Submitted September 14, 2009<sup>\*\*</sup>

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Jorge Avina-de Anda appeals from the district court's order denying two pro se motions that requested expedited adjudication of a petition to revoke his

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

supervised release and appointment of counsel in connection with the adjudication. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Avina-de Anda's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record, and a motion for judicial notice. The appellant has filed a pro se supplemental brief. The government has not filed an answering brief.

Our review of the record reveals that we lack jurisdiction over the district court's order. Accordingly, counsel's motion to withdraw in this appeal is **GRANTED**. The outstanding motion for judicial notice is **DENIED** as moot. This appeal is **DISMISSED**.